

## H. Video Programming

159. Access to video programming is often an important element in a customer's decision to purchase broadband service. Accordingly, access to video programming could become an issue that has an impact on the potential competitiveness of the service offerings of rural broadband providers and thus on rural broadband deployment.

160. The Commission has several ongoing proceedings examining the video programming marketplace. For instance, on January 16, 2009, the Commission requested data on the status of competition in the market for the delivery video programming for 2007; similar data for years 2008 and 2009 were requested on April 9, 2009.<sup>421</sup> In addition, the Commission has ongoing proceedings on program access and program carriage requirements, both of which can affect the ability of rural multichannel video programming distributors (MVPDs) to provide video programming.<sup>422</sup> We recommend that when addressing these issues, the Commission consider the impact of any actions it may take on rural broadband deployment.

## VII. CONCLUSION

161. Since January, the Obama administration has taken a proactive, leadership role in broadband-related matters, and the federal government has begun to develop a coordinated approach. The Recovery Act allocated money for broadband development and also directed the Commission to prepare a national broadband plan. We hope that this Report also makes a useful contribution to the national broadband plan. Infrastructure deployment is something Americans do well; it plays to our national strengths. We have built out canals, bridges, electricity, telephone service, roads, and highways. Now, with much history to learn from and with an array of technological resources at our disposal, we can and will do it again.

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*Migratory Birds*, WT Docket No. 03-187, Notice of Proposed Rulemaking, 21 FCC Rcd 13241, 13241, 13256, paras. 1, 32 (2006). The Commission also is presently reviewing its rules and procedures regarding the process for environmental impact assessment of registered antenna structures pursuant to a remand from the United States Court of Appeals for the District of Columbia Circuit. See *Am. Bird Conservancy, Inc. v. FCC*, 516 F.3d 1027 (D.C. Cir. 2008); see also, *Wireless Telecommunications Bureau Seeks Comment on Petition for Expedited Rulemaking and Other Relief Filed on Behalf of American Bird Conservancy, Defenders of Wildlife and National Audubon Society Regarding Commission Implementation of the National Environmental Policy Act, the Endangered Species Act, and the Migratory Bird Treaty Act*, WT Docket Nos. 08-61, 03-187, Public Notice, DA 09-904 (WTB rel. Apr. 29, 2009).

<sup>421</sup> See *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, MB Docket No. 07-269, Notice of Inquiry, 24 FCC Rcd 75 (2009); Supplemental Notice of Inquiry, 24 FCC Rcd 4401 (2009).

<sup>422</sup> See *Implementation of the Cable Television Consumer Protection Act of 1992, Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communications Act: Sunset of Exclusive Contract Prohibition; Review of the Commission's Program Access Rules and Examination of Program Tying Arrangements*, MB Docket Nos. 07-29, 07-198, Report and Order and Notice of Proposed Rulemaking, 22 FCC Rcd 17791 (2007).

**REPORT ON A RURAL BROADBAND STRATEGY**

**APPENDIX A**

**List of Commenters  
GN Docket No. 09-29**

<b>Commenter</b>	<b>Abbreviation</b>
Access Humboldt	Access Humboldt
Alaska Communications Systems	ACS
Allan J. Hastings	Allan J. Hastings
AlphaStar International, Inc.	Alphastar
American Cable Association	ACA
American Farm Bureau Federation	AFBF
American Homeowners Grassroots Alliance	AHGA
American Library Association	ALA
American Petroleum Institute	API
Amateur Radio Relay League, Inc.	ARRL
Art Menius	Art Menius
AT&T Inc.	AT&T
Benton Foundation	Benton Foundation
Big Think Strategies	Big Think Strategies
Brian Wanless	Brian Wanless
Bhawana Sharma	Bhawana Sharma
California Emerging Technology Fund	CETF
Cisco Systems, Inc.	Cisco
Common Sense Media, Center for Safe and Responsible Internet Use, Children Now, The Children's Partnership, Enough is Enough, ETPRO/C3 Institute, Family Online Safety Institute, Internet Keep Safe Coalition, LOOKBOTHWAYS Inc., National Institute on Media and the Family, and Web Wise Kids	Common Sense Media <i>et al.</i>
City of Shafter, CA	City of Shafter
Commonwealth of Massachusetts Department of Telecommunications and Cable	Massachusetts Commission
Commonwealth of Pennsylvania	Pennsylvania
Connected Nation, Inc.	Connected Nation
Consumer Federation of America and Consumers Union	CFA/CU
CTIA—The Wireless Association®	CTIA
David Mason (on behalf of Skylight Associates)	David Mason
Dero Forslund	Dero Forslund
DigitalBridge Communications Corp.	DigitalBridge
Edyael Casaperalta	Edyael Casaperalta
Embarq	Embarq
Expand Networks, Inc.	Expand Networks
Fergus County, Montana	Fergus County, MT
FiberTower Corporation, Rural Telecommunications Group, Inc., COMPTTEL, and Sprint Nextel Corporation	FiberTower <i>et al.</i>
Fibertech Networks, LLC and Kentucky Data Link, Inc.	Fibertech/KDL
Frank Odasz (on behalf of Lone Eagle Consulting)	Frank Odasz

**REPORT ON A RURAL BROADBAND STRATEGY**

General Communication, Inc.	GCI
Halo Wireless	Halo
Harris Corporation	Harris
HierComm, Inc.	HierComm
iClick2Media, Inc.	iClick2Media
Independent Telephone & Telecommunications Alliance	ITTA
Iowa Telecommunications Services, Inc.	Iowa Telecom
Jay April	Jay April
Jim Miller	Jim Miller
Joseph Schroeder	Joseph Schroeder
Joyce Hospodar	Joyce Hospodar
Kodiak-Kenai Cable Company, LLC	KKCC
Link Shadley (on behalf of representatives and broadband advocates in North Central Oregon)	Link Shadley
Liz McGeachy	Liz McGeachy
M2Z Networks, Inc.	M2Z
Main Street Broadband LLC	Main Street Broadband
Mark Bayliss (on behalf of Visual Link Internet)	Mark Bayliss
Mary Wildfire	Mary Wildfire
Michigan Public Service Commission	Michigan Commission
Microsoft Corporation	Microsoft
Mimi Pickering	Mimi Pickering
Miriam Lederer	Miriam Lederer
Minority Media and Telecommunications Council	MMTC
MSS/ATC Coalition	MSS/ATC Coalition
National Association of State Utility Consumer Advocates	NASUCA
National Association of Telecommunications Officers and Advisors and the National Association of Counties	NATOA/NACo
National Association of Tower Erectors	NATE
National Cable & Telecommunications Association	NCTA
National Exchange Carrier Association, Inc.	NECA
National Rural Electric Cooperative Association	NRECA
National Rural Telecommunications Cooperative	NRTC
National Telecommunications Cooperative Association	NTCA
Nebraska Public Service Commission	Nebraska Commission
New America Foundation	New America Foundation
New Mexico Media Literacy Project	NMMLP
New York State Office for Technology and the New York Public Service Commission	New York Commission
Nicholas John Slater	Nicholas Slater
Nickolaus E. Leggett	Nickolaus E. Leggett
Office of Advocacy, U. S. Small Business Administration	SBA
Open Range Communications Inc.	Open Range
Organization for the Promotion and Advancement of Small Telecommunications Companies	OPASTCO
PCIA—The Wireless Infrastructure Association and The DAS Forum	PCIA/DAS
Personal Broadband Industry Association	PBIA

**REPORT ON A RURAL BROADBAND STRATEGY**

PocketiNet Communications	PocketiNet
QUALCOMM Incorporated	Qualcomm
Regulatory Commission of Alaska	Alaska Commission
Rob Glidden	Rob Glidden
Rural Broadband Policy Group (Center for Rural Strategies, Appalshop, Access Humboldt, the Benton Foundation, the California Center for Rural Policy, and the Main Street Project)	Rural Broadband Policy Group
Rural Fiber Alliance	RFA
Rural Iowa Independent Telephone Association	RIITA
Rural Telecommunications Alliance	RTA
Rural Telecommunications Group, Inc.	RTG
Sacred Wind Communications, Inc.	Sacred Wind
Sasha Costanza Chock	Sasha Costanza-Chock
Satellite Industry Association	SIA
Shel Anderson	Shel Anderson
Source Communications of America, LLC	Source Communications
Sprint Nextel Corporation	Sprint Nextel
Standing Rock Sioux Tribe	Standing Rock Sioux Tribe
State Members of the Federal-State Joint Board on Universal Service	Joint Board
State Members of the Federal-State Joint Conference on Advanced Services	Joint Conference
Stayton Cooperative Telephone Company	SCTC
Stephouse Networks	Stephouse Networks
Telecommunications Industry Association	TIA
Texas Statewide Telephone Cooperative, Inc.	TSTCI
Tim Marema	Tim Marema
Todd M. Jagger	Todd Jagger
Todd Starling	Todd Starling
Tom Jacobson	Tom Jacobson
TracFone Wireless, Inc.	TracFone
United States Postal Service	USPS
United States Telecom Association	USTA
Universal Service for America Coalition	USA Coalition
Valerie Fast Horse (on behalf of Coeur d'Alene Tribe)	Valerie Fast Horse
Verizon Communications Inc. and Verizon Wireless	Verizon
Vickie Edwards (on behalf of InLine)	Vickie Edwards
WildBlue Communications, Inc. and Intelsat Corporation	WildBlue/Intelsat
Windstream Communications, Inc.	Windstream
Wireless Internet Service Providers Association	WISPA
XO Communications, LLC and Nextlink Wireless, Inc.	XO/Nextlink
Yaana Technologies, LLC	Yaana

**REPORT ON A RURAL BROADBAND STRATEGY**

**APPENDIX B**

**Selected Federal Programs Addressing Broadband Access**

<b>Federal Agency</b>	<b>Description of Program</b>
<b>Federal Communications Commission</b>	Manages several universal service fund programs that assist in broadband deployment: <ol style="list-style-type: none"> <li>1. <i>Rural Health Care Program</i>—funds broadband access for rural health care centers;</li> <li>2. <i>E-rate Program</i>—provides grants for broadband to schools and libraries;</li> <li>3. <i>High Cost Program</i>—does not explicitly fund broadband infrastructure, but subsidies can be used to upgrade existing telephone networks.</li> </ol>
<b>Department of Agriculture (USDA)</b> Rural Utilities Service (RUS)	Administers several programs addressing broadband including: <ol style="list-style-type: none"> <li>1. <i>Rural Telephone Loan and Loan Guarantee Program</i>—provides loans and loan guarantees for telephone voice service, but requires funding recipients to provide DSL broadband at a rate of at least 1 Mbps;</li> <li>2. <i>Distance Learning and Telemedicine Loans and Grants</i>—provides seed money for loans and grants to rural community facilities (e.g., schools, libraries, hospitals) for advanced telecommunications systems that can provide health care and educational benefits to rural areas;</li> <li>3. <i>Rural Broadband Access Loan and Loan Guarantee Program</i>—provides loans and loan guarantees for facilities and equipment providing broadband service in rural communities;</li> <li>4. <i>Community Connect Broadband Grants</i>—provides grants to applicants proposing to provide broadband service on a “community-oriented connectivity” basis to rural communities of fewer than 20,000 inhabitants.</li> </ol>
<b>Department of Commerce</b> National Telecommunications Information Administration (NTIA)	Manages several programs and projects addressing broadband including: <ol style="list-style-type: none"> <li>1. <i>Broadband Technology Opportunities Program</i>—provides grants to service providers to increase access and adoption of broadband infrastructure and services;</li> <li>2. <i>Public Telecommunications Facilities Program</i>—provides grants for planning, acquiring, installing and modernizing public telecommunications facilities through its;</li> <li>3. <i>Public Safety Interoperable Communications Grant Program</i>—provides funding to states and territories to enable and enhance public safety agencies’ interoperable communications capabilities;</li> <li>4. Coordinating federal rights of way for telecommunications infrastructure projects with other agencies.</li> </ol>
Economic Development Administration	<i>Investments for Public Works and Economic Development Facilities</i> —provides grants to economically distressed areas for construction of public facilities and infrastructure, including broadband deployment and other types of telecommunications enabling projects.

## REPORT ON A RURAL BROADBAND STRATEGY

<b>Department of Education</b> Office of Elementary and Secondary Education	<i>Education Technology State Grants</i> —provides grants to state education agencies for development of information technology to improve teaching and learning in schools.
Office of Assistant Secretary for Educational Research and Improvement	<i>Ready to Teach Program</i> —provides grants to carry out a national telecommunication-based program to improve the teaching in core curriculum areas.
Office of Special Education and Rehabilitative Services	<i>Technology and Media Services for Individuals with Disabilities</i> —supports the development and application of technology and education media activities for disabled children and adults.
<b>Department of Energy</b>	Required to spend \$4.5 billion to modernize the electric grid, which will likely include some broadband for Smart Grid. See Recovery Act, Pub. L. No. 111-5, 123 Stat. 115, 133 (2009)
<b>Environmental Protection Agency</b>	<i>Exchange Network Grant Program</i> —provides funding to states, territories, and federally recognized Indian Tribes to support the development of an Environmental Information Exchange Network, including broadband infrastructure.
<b>Department of Health and Human Services</b> Health Resources and Services Administration	Administers several programs addressing broadband including: <ol style="list-style-type: none"> <li>1. <i>Telehealth Network Grant Program</i>—provides grants to develop sustainable telehealth programs and networks in rural and frontier areas, and in medically unserved areas and populations. Grantees are required to apply for the Commission’s universal service funds;</li> <li>2. <i>Telehealth Resource Center Grant Program</i>—provides grant funds for regional centers to assist health care providers in the development of their Telehealth services, including decisions regarding the purchase of advanced telecommunications services;</li> <li>3. <i>Licensure Portability Grant Program</i>—provides grant support for state professional licensing boards to carry out programs under which the boards of various states cooperate to develop and implement State policies to reduce the statutory and regulatory barriers to telemedicine.</li> </ol>
National Library of Medicine, National Institute of Health	<i>Medical Library Assistance Program</i> —provides funds to strengthen library and information services, facilitate access to and delivery of health science information, and plan and develop advanced information networks.
<b>Department of Housing and Urban Development</b>	Administers several programs addressing broadband including: <ol style="list-style-type: none"> <li>1. <i>Community Development Block Grants</i>— provides loans to deploy broadband networks and make them affordable for low to moderate income residents;</li> <li>2. <i>Indian Community Development Grants</i>—funds broadband technology infrastructure projects.</li> </ol>
<b>Department of the Treasury</b>	Distributes grants for Smart Grid investments, which includes a broadband component. See Recovery Act, Pub. L. No. 111-5, § 405, 123 Stat. 115, 144 (2009)
<b>Department of Transportation</b> Research and Innovative Technology Administration	<i>Next Generation (NG9-1-1) Initiative</i> —a Research and Development project that will define a system architecture for emergency communication that enables the transmission of voice, data or video from different types of communication devices to Public Safety Answering Points (PSAPs) and onto emergency responder networks. The NG9-1-1 Initiative will also develop a transition plan that considers responsibilities, costs, schedule and benefits for deploying this architecture.

## REPORT ON A RURAL BROADBAND STRATEGY

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<p><b>National Foundation on the Arts and the Humanities</b> Institute of Museum and Library Services, Office of Library Services</p>	<p>Administers several programs addressing broadband including:</p> <ol style="list-style-type: none"> <li>1. <i>State Library Program</i>— provides grants to state library administrative agencies for promotion of library services that provide all users access to information through State, regional, and international electronic networks;</li> <li>2. <i>Native American and Native Hawaiian Library Services</i>—supports library services that include linking libraries to electronic networks.</li> </ol>
<p><b>Appalachian Regional Commission</b></p>	<p>Provides project grants for Appalachian communities to support the physical infrastructure necessary for economic development and improved quality of life</p>
<p><b>Delta Regional Authority</b></p>	<p>Provides project grants to support self-sustaining economic development of eight states in the Mississippi Delta Region</p>
<p><b>Denali Commission</b></p>	<p>Provides grants through a federal and state partnership designed to provide critical infrastructure and utilities throughout Alaska, particularly in distressed communities.</p>

\* This non-comprehensive list was prepared using information provided in Congressional Research Service, *Broadband Internet Access and the Digital Divide: Federal Assistance Programs*, RL30719, Tables 1 and 2 (Mar. 19, 2009), available at [http://assets.opencrs.com/rpts/RL30719\\_20090319.pdf](http://assets.opencrs.com/rpts/RL30719_20090319.pdf).

\*\* For additional information on federal agency broadband programs, see Interagency Questionnaire Responses, attached to Letter from Kathy D. Smith, Chief Counsel, NTIA, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 09-29 (filed May 18, 2009)